



TOWN OF EASTHAM

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EASTHAM PLANNING BOARD

MEETING MINUTES

Earle Mountain Room

August 18, 2021, 5:00 pm

Members present: Craig Nightingale, Joe Manas, Dan Coppelman, Jim Kivlehan,
Brian Early, Dave Hobbs
Members absent: William Craig, Peter Weston
Staff present: Paul Lagg, Town Planner

Dan Coppelman opened the meeting at 5:00 pm, explained new temporary meeting protocols and stated the meeting was being recorded.

Coppelman expressed his condolences that Planning Board Member, Steven Wasby passed away and asked for a moment of silence.

Coppelman explained that there is only five eligible voting members present, and all applicants would need all votes to be unanimous to be approved.

Case No. PB2021-7 – (continued from 7/21/21) 4730 State Highway, Map 5, Parcel 128C. Goeroe's Goldens LLC (Owner/Applicant) and Stow Away LLC (Applicant) seek a Special Permit pursuant Eastham Zoning By-law Section 3.8.5.3.3 and 3.9.9 (Uses) for an expansion of a pre-existing non-conforming structure or use greater than 1,000 sf of building footprint or of exterior building area or site area in the Eastham Corridor Special District. Vote may be taken.

Owner of Goeroe's Goldens LLC (Owner/Applicant) and Stow Away LLC (Applicant) Barbra Nigel, Attorney, Ben Zehnder and Product Engineer, John O'Reilly were present. Zehnder explained that the scope of the project has been reduced to two sections and pods. The reduction of the project keeps the development under the mandatory development regional impact. Additionally, in response to concerns on potential impacts in groundwater would be addressed what John has done is he's gone back and re-engineered groundwater filtration systems as well as created a hard surface channel hard surface around the entire project or underneath it to hear myself twice. Zehnder explained that all information, details and plans have been presented to the Board.

Coppelman expressed that the applicant has put an incredible amount of time and energy into the project regarding their groundwater plan. The concern still being the maintenance required and reporting aspect. The Town Attorney did explain that the Town could impose a condition as part of the decision to require a bond and/or money put aside for the purpose of annual reporting and monitoring. However, this does condition would require enforcement by the Building Inspector as a zoning enforcement matter.

The following members from the audience spoke on the behalf of the project;

- Jim Russo, Eastham Chamber of Commerce Executive Director expressed his support for the project.
- Wendy Wolf of Sparrow Hawk Lane expressed her concerns for the project, which included: groundwater plan and negative effects on neighborhood character.
- Keith McClellan, owner of Long Street Gallery and expressed his support for the project.
- Dave Hobbs, 190 Sparrow Hawk Lane expressed that Nigel cannot be trusted and has proven so on past projects.
- Devin Gillis, 140 Harvest Road, commented that he is in favor of the project.
- Attorney, David Reed representative for Steven Magnum Moving expressed their findings and that Nigel is not eligible for a special permit and addressed multiple concerns with the project.
- Attorney, Brian Wall representative of Brackett Landing Condominiums expressed concerns with ground water protection, control of customers and engineering.

The Town Attorney was present and expressed her views in detail on the project.

Mr. Coppelman read the proposed **findings of fact**:

Findings of Fact

1. The property is located at 4730 State Highway and is located in the Transition Commercial District, which is a sub-district of the Eastham Corridor Special District (ECSD).
2. The Applicant has applied for seek a Special Permit pursuant Eastham Zoning By-law Section 3.8.5.3.3 and 3.9.9 (Uses) for an expansion of a pre-existing nonconforming structure or use greater than 1,000 sf of building footprint or of exterior building area or site area in the Eastham Corridor Special District.
3. The Board voted to grant the following waivers: Partial waiver from requirement to provide a Landscape Plan with contours, Partial waiver from requirement to provide dimensions of existing structures, Waiver from requirement to provide parking layout and calculations.
4. Two abutters/parties in interest appeared in favor of the proposal. Five abutters/parties in interest appeared in opposition to the proposal. Three letters were received in opposition to the proposal.

Special Permit Approval Criteria

5. Impacts on economic or community needs will not have an adverse effect to the public interest, the town and the neighborhood: The expanded self-storage facility will provide

additional self-storage options to the community. The market study provided by the applicant and supplemental research conducted by members of the Planning Board indicate that there is a need for additional self-storage options in Eastham and the surrounding area.

6. Provisions for traffic flow and safety concerns, including Route 6 access limitations and preference for shared curb cuts with adjacent uses, including provision of sidewalks and pedestrian amenities, and including no parking in front yard setback area are adequately addressed by the proposal: The proposed project is limited to the rear portion of the property and does not propose any changes to the existing Route 6 curb cut. The site currently has a shared curb cut with 4680 State Highway and 4760 State Highway. No new parking in the front of the site is proposed. The proposed self-storage use is not anticipated to negatively impact the existing traffic flow in and out of the site. The storage facility will be accessible to public safety apparatus via a paved access driveway with a 18 foot wide security gate.
7. Utilities and other public services are adequately addressed by the proposal: The storage facility will be serviced by new hydrants connected to the municipal water system. The existing water supply well will be decommissioned under the purview of Massachusetts Department of Environmental Protection. No other changes to public utilities are proposed.
8. Impacts on neighborhood character, including all dimensional requirements and including landscape buffers along Route 6 are adequately addressed by the proposal: The proposal complies with all pertinent dimensional requirements. The project does not require any changes to landscape buffers along Route 6 but the applicant has chosen to include street tree plantings along the Route 6 portion of the property to enhance the landscape along the highway corridor. The proposal does include new landscape buffers around the perimeter of the storage facility. The proposed metal storage buildings do not adhere to the ECSD design guidelines. However, the storage facility falls under a pre-existing non-conforming use and the proposed buildings are designed using features and materials associated with commercial self-storage buildings. The storage units will be shielded from public view by the existing fitness facility and evergreen vegetation.
9. Impacts on the natural environment are adequately address by the proposal: The site is located within the Eastham Groundwater Protection District. The proposal complies with the applicable requirements of the Massachusetts Stormwater Management Handbook, as referenced in Eastham Zoning Bylaw s. V.I.G.6 – Drainage and Stormwater Management Standards, and Section 3.8.5.5.6 (Drainage and Stormwater Management Standards).
10. Fiscal impacts, including impacts on town services, the tax base and employment are adequately address by the proposal: The proposed site improvements will result in an increase to the value of the property, which will result in increased property tax revenue to the Town. The site will be connected to the municipal water system, which will provide additional revenue to support the Town's water service. The owner/applicant

proposes to hire new employees to staff the storage and fitness facility. The new positions will provide additional employment opportunities to members of the community.

11. Compliance with all standards and requirements of the Eastham Corridor Special District (ECSD) are adequately address by the proposal: The proposal complies with the applicable dimensional requirements as well as the development standards of the Transition Commercial District.

A **MOTION** by Craig Nightingale to approve the findings of fact as stated, **seconded** by Jim Kivlihan.

In favor: Nightingale, Manas, Coppelman, Kivlehan, Early, Hobbs

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

A **MOTION** by Jim Kivlehan to **GRANT** Site Plan Approval – Special Permit for Case No. PB2021-7 with the following **conditions**:

1. No Building Permit shall be issued until the application complies with all pertinent sections of the Town of Eastham Zoning By-Law.
2. The Applicant shall obtain all required Building, Plumbing and Electrical Permits from the Eastham Building Department for the proposed storage buildings and for any work requiring a permit for the existing storage buildings prior to start of construction. Failure to obtain permits prior to the start of any construction activity shall result in the revocation of the Planning Board Special Permit.
3. The owner/manager of the storage facility shall abide by the provisions of the *Stormwater Management Report & Operations /Maintenance Manual* dated July 19, 2021 and the *Storage Facility Operations and Maintenance Plan* dated July 7, 2021 or as most recently amended on file with the Town of Eastham. Failure to comply with the maintenance/management plan may result in revocation of the Planning Board Special Permit. The Applicant will provide calculations of the volume of treatment channel and include a daily visual inspection of the channel and storage units to monitor for any spillage.
4. A copy of the Stormwater Pollution Prevention Plan (SWPPP) and the Notice of Intent (NOI) shall be provided to the Town prior to start of construction. Failure to provide the documents prior to the start of construction may result in revocation of the Planning Board Special Permit.
5. The applicant/owner shall submit a maintenance agreement for a minimum of three growing seasons to insure vegetation is properly established. Any planting that does not survive shall be replaced at the owner/applicant's expense with equivalent plantings.

6. The applicant/owner shall maintain the following documentation and shall make the documentation available to the Town of Eastham upon request within 14 days of the request. Failure to provide the documents in a timely manner may result in revocation of the Planning Board Special Permit. All documentation shall be prepared and signed by a professional engineer licensed in the State of Massachusetts:
 - Filterra Bioretention Unit Maintenance Report
 - Catch Basin Cleaning Report
 - CDS/Stormceptor Maintenance Report
 - Operation & Maintenance (O&M) Log Form
7. Annual reports signed by a professional engineer licensed in the state of Massachusetts shall be filed by January 15 of every year.
8. Painting and repair of existing storage units shall be performed including replacement of broken or missing parts.
9. Plan reviews conducted by town staff as part of this site plan approval have been conducted for conformance with applicable sections of the zoning bylaw and for adequacy of the site for public safety access and environmental impacts. Additional plan review for health and safety code compliance will be required and may result in changes to the approved plans. The applicant is responsible for providing building plans to the Eastham Building and Fire Departments. Plans shall contain information on construction methods and materials sufficient to conduct a full code compliance review.
10. Any changes to the project site plan, landscape and lighting plan with latest revision date of August 5, 2021 and stamped as received by Town Clerk August 9, 2021 except those that are de minimus must be reviewed by the Planning Board. If the Board finds a change to be substantial, re-notice is necessary for a new hearing.
11. The Applicant has agreed to the posting of Five Thousand Dollar (\$5,000) deposit with the Town of Eastham. An agreement between the parties shall be formulated and agreed to prior to the start of construction.
12. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

Seconded by Craig Nightingale

In favor: Nightingale, Coppelman, Kivlehan, Early

Opposed: Manas

The VOTE: 4-1

Motion not passed

Case No. PB2021-12 – (continued from 7/21/21) 0 K Street, Map 23, Parcel 42. Frank and Linda Noto (Owners) seek Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.4 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to construct a new single family dwelling in District F greater than 200 sf. Vote may be taken.

Owner, Frank Noto, and Attorney, Ben Zehnder were present to explain their case. Attorney Zehnder asked to make a presentation on the project, and noted the parcel of land in the seashore district that dates back to the 1800s. Town Attorney commented that the applicant will need to comply with National Seashore regulations and guidelines, and the Board can certainly include a condition that they comply or obtain any necessary approvals. The National Seashore Superintendent was present to comment on the case.

Coppelman explained that additional data will be needed to move forward with this case. It was requested that the applicant provide any additional information/data to give the Board and attorneys so they can evaluate. Abutter, Kevin McDonald at 675 Cable Road was present to share his objections on the project.

A **MOTION** by Dan Coppelman to continue the case, **seconded** by .

In favor: Nightingale, Manas, Coppelman, Kivlehan, Hobbs, Early

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Case No. PB2021-13 – 720 Campground Road, Map 7A, Parcel 31. Albert Pemberton (Owner) seeks Site Plan Approval – Residential pursuant to Eastham Zoning By-Law Section 7.4.1 (Residential Lot Intensity) and Section 10.1 (Site Plan Approval – Residential) to construct a detached garage on a lot containing less than 20,000 sf resulting in a site coverage ratio greater than 15% and a percentage of expansion greater than 2.5%. Vote may be taken.

Owner, Al Pemberton was present to discuss his detached garage plan. Pemberton explained that his property is a small congested area. Pemberton explained proposed location of the detached garage, which is currently the location of a pump house and it contains a couple of wells, pumps, filters, large capacity storage tank, and provided freshwater seasonal fresh water to approximately 20 cottages in the immediate area. Which provided water to Pemberton's cottage, since he has connected to Town water. Coppelman expressed concerns regarding which properties are served by the pump house, and do the owners have the right to remove and easements written in Pemberton's deed and abutters. Paul Lagg, Town Planner explained that the Board needs to determine if the easement issue is a Town or Civil matter. Coppelman polled the Board and requested the case to be continued to next month.

A **MOTION** by Jim Kivlehan to continue the case, **seconded** by Joe Manas.

In favor: Nightingale, Manas, Coppelman, Kivlehan, Early

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Preliminary review – 4620 State Highway, Map 8, Parcel 201C.

Steve DeGiovanni, representing Wayne Pratt of Landmark Fence, working with Tom Simpkins and Jason Ellis. Representatives presented the site proposal and went into depth on the project. Coppelman, the Board and Town Planner explained the process, and planning logistics.

Designate representative to serve on Community Preservation Act Committee. Vote may be taken.

Dave Hobbs would like to remain the CPA representative.

A **MOTION** by Dan Coppelman to designate representative

In favor: Nightingale, Manas, Kivlehan, Hobbs, Early

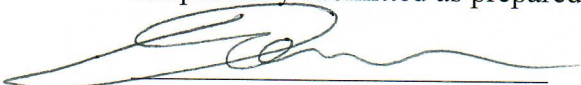
Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Meeting adjourned at 8:15 pm.

Respectfully submitted as prepared by Kayla Urquhart



Dan Coppelman, Chair